



General Assembly

January Session, 2009

**Amendment**

LCO No. 7051

**\*HB0537307051SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. House Bill No. 5373

File No. 922

Cal. No. 632

**"AN ACT EXPANDING CERTAIN REVERSE AUCTION AUTHORITY  
TO THE PURCHASE OF CERTAIN SERVICES BY TOWNS,  
SCHOOL DISTRICTS AND STATE AGENCIES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) In addition to its inherent  
4 power as a branch of the legislature, the Connecticut state Senate has  
5 the constitutional authority under the Connecticut State Constitution,  
6 Article III, Section 13, to punish members for disorderly conduct, and,  
7 with the consent of two-thirds of its members, expel a member. While  
8 the constitution does not specify the grounds for expulsion or other  
9 disciplinary action, such grounds may include conduct that impugns  
10 the integrity of the Senate, reflects adversely on the Senate or  
11 otherwise undermines public confidence in the institution of the  
12 Senate. Although the constitutional power to discipline members may  
13 be exercised summarily, it is the sentiment of the Senate that

14 disciplinary action should ordinarily be imposed only after a full  
15 investigation and opportunity for a hearing. For the public to have  
16 confidence in the Senate, it must have confidence in its members as  
17 well as its procedures and institutional mechanisms. The public  
18 interest, the interests of accused members and the interests of the  
19 Senate as an institution require that the extraordinary power to expel  
20 or publicly discipline a member be exercised in a fair and consistent  
21 manner.

22 (b) There is established a Bipartisan Senate Committee on Standards  
23 of Official Conduct that shall consist of six members, appointed as  
24 follows: Three majority caucus senators by the president pro tempore  
25 of the Senate, and three minority caucus senators by the president pro  
26 tempore upon the recommendation of the Senate minority leader. The  
27 president pro tempore shall appoint two cochairpersons of the  
28 committee, one of whom shall be appointed upon the recommendation  
29 of the Senate minority leader. Such appointments shall be made not  
30 later than ten days after the effective date of this section.

31 (c) Said committee shall have cognizance of any official Senate  
32 action in response to any misconduct by any member of the Senate.  
33 "Misconduct" shall include any violation of state or federal election  
34 laws, any violation of the state code of ethics, any misuse of state  
35 property including the submission of a false claim for compensation or  
36 reimbursement, any legal or ethical wrong or other conduct that  
37 materially impairs the ability of the member to perform the duties of  
38 his or her office, or any conduct that impugns the integrity of the  
39 Senate or undermines public trust and confidence in the Senate.  
40 Nothing in this rule shall be construed to affect the powers and duties  
41 of the Office of State Ethics or the Citizen's Ethics Advisory Board.

42 (d) A quorum, consisting of not less than two members of each  
43 caucus, shall be required to conduct any official business of the  
44 committee. All committee decisions shall require four affirmative  
45 votes.

46 (e) Upon the complaint of any person, signed under penalty of false  
47 statement, or upon its own complaint, the committee shall conduct a  
48 preliminary investigation into claims of any misconduct by any  
49 member of the Senate. Any committee member who is the subject of  
50 such a complaint shall recuse himself or herself from any committee  
51 action pertaining to such complaint. Such member shall be replaced,  
52 for purposes of committee action on such complaint, in the same  
53 manner in which such member was appointed.

54 (f) Any such preliminary investigation shall be confidential and not  
55 subject to disclosure. Upon the conclusion of any preliminary  
56 investigation, the committee shall vote to either (1) dismiss the  
57 complaint, or (2) make a finding of probable cause that misconduct has  
58 occurred. Upon a finding of probable cause by the committee, all  
59 information relating to the preliminary investigation shall, to the  
60 extent allowed by state and federal law, be made available to the  
61 public.

62 (g) The committee shall undertake a full investigation only after a  
63 finding of probable cause. All information relating to a full  
64 investigation shall, to the extent allowed by state and federal law, be  
65 made available to the public. All proceedings relating to a full  
66 investigation shall be open to the public. Upon the completion of a full  
67 investigation, the committee shall report its findings and  
68 recommendation in the form of a resolution to be voted upon by the  
69 Senate. Such recommendation shall include one of the following: (1)  
70 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate  
71 shall vote on any such resolution not later than ten days after the  
72 committee reports out any such resolution.

73 (h) The subject of any such complaint or investigation may be  
74 represented by counsel.

75 (i) Not later than ninety days after the effective date of this section,  
76 the committee shall adopt rules and procedures to govern its  
77 proceedings. Such proposed rules shall include, but not be limited to:

78 (1) Standards, rules and methodology for conducting preliminary and  
79 full investigations, respectively, and (2) criteria for the making of a  
80 recommendation of expulsion, censure, reprimand and no action,  
81 respectively."